

REMARKS

Claims 1-10 remain pending in this application. Claims 1 and 7 have been amended.

Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,751,513 to Spruit in view of U.S. Patent No. 6,560,182 to Nagayama et al. (“Nagayama”). The rejection is respectfully traversed.

Claim 1 has been amended to recite “the controller is capable of setting the period T1 of the off-pulse to a predetermined value so that a relationship $T1 \cong 0$ is satisfied when the recording speed exceeds a predetermined threshold speed.” The Office Action acknowledges that Spruit does not teach a T1 period $\cong 0$ and relies on Nagayama to teach this limitation. Nagayama, however, does not describe application of a T1 period $\cong 0$ based on the recording speed exceeding a predetermined threshold speed. Support for the amendment may be found in FIG. 5 of the present application. Accordingly, claim 1 is allowable over Spruit and Nagayama.

Claim 5 depends from claim 1 and is allowable over Spruit and Nagayama along with claim 1, as well as on its own merits. Accordingly, Applicants respectfully request the rejection be withdrawn and the claims allowed.

Claims 3, 7 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spruit in view of Nagayama and further in view of U.S. Patent No. 6,631,109 to Nakamura. The rejection is respectfully traversed.

Claim 3 depends from claim 1 and is allowable over the combination of Spruit and Nagayama for at least the reasons provided above as well as on its own merits. Claim 7 has been amended to recite a similar limitation to that of claim 1 and is also allowable over the combination of Spruit and Nagayama for at least the reasons provided above.

Nakamura is cited for the purpose of teaching an optical storage medium whose phase change critical linear velocity is .7 times the highest linear velocity and fails to cure the deficiencies of Spruit and Nagayama explained above. Claims 3 and 7 are therefore allowable over the combination of Spruit, Nagayama and Nakamura. Claim 10 depends from claim 7 and is allowable over Spruit, Nagayama and Nakamura along with claim 7 for at least the reasons provided above as well as on its own merits. Accordingly, Applicants respectfully request the rejection be withdrawn and the claims allowed.

Claims 2, 4, 6, and 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spruit in view of Nagayama and further in view of various additional references. These claims depend from either claim 1 or claim 7 and are allowable over Spruit and Nagayama at least for the reasons provided above, as well as on their own merits. None of the additionally cited references cure the deficiencies of Spruit and Nagayama described above. Accordingly, Applicants respectfully request the rejection be withdrawn and the claims allowed.

In view of the above amendment, Applicants believes the pending application is in condition for allowance.

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Respectfully submitted,

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